

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
DECEMBER 4, 2007
7:00 P.M.**

ROLLCALL Answering rollcall were Members Bennett, Housh, Masica, Swenson and Mayor Hovland.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Masica and seconded by Member Swenson approving the Council Consent Agenda as presented.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

***MINUTES OF THE REGULAR MEETING OF NOVEMBER 20, 2007, WORK SESSION OF NOVEMBER 20, 2007, AND STUDY SESSION OF OCTOBER 23, 2007, APPROVED** Member Masica made a motion approving the Minutes of the Regular Meeting of November 20, 2007, Work Session of November 20, 2007, and Study Session of October 23, 2007. Member Swenson seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2007-130 APPROVING IMPROVEMENT NO. A-213 & IMPROVEMENT NO. A-214 COUNTRY CLUB AREA SEWER, WATER AND STREET RECONSTRUCTION Affidavits of Notice were presented, approved and ordered placed on file.

Engineer Presentation

Engineer Houle stated the proposed improvements were staff initiated in 2005 to address utility concerns within the Edina Country Club District. A public hearing was held on July 19, 2005. At that public hearing the City Council decided to delay the project until a transportation plan was adopted for the Northeast Area of Edina. The Edina Transportation Commission completed the Northeast Edina Transportation Study (NEETS) in 2006. The Edina City Council adopted the NEETS in 2006.

Mr. Houle said the proposed project would involve reconstructing the water main system, repairing and upgrading the sanitary sewer system, upgrading the storm sewer system, replacing the street lighting system, and reconstructing the roadway. He said all components of the NEETS, as they relate to the Country Club District, have been incorporated into this proposal. Mr. Houle reported the following groups have reviewed the attached proposal:

- Edina Transportation Commission – recommendation of plan was consistent with NEETS, see attached draft minutes.
- Edina Bike Task Force – letter attached to Feasibility Study and new letter attached to report.

Minutes/Edina City Council/December 4, 2007

- Edina School Bus – email attached to Feasibility Study.
- Edina Fire Department – letter attached to Feasibility Study.
- Edina Preservation Board – recommended Certificate of Appropriateness, draft minutes attached to Feasibility Study.

Mr. Houle explained staff was proposing a two-year staged reconstruction, with the northerly portion of the Country Club being reconstructed in 2008 and the southerly portion being reconstructed in 2009. He reported the estimated project cost was \$19,639,000; which included all utility repairs and upgrades and all assessed costs. The special assessment amount for this project was estimated to be \$5,078,000 for Improvement Area A-213 and \$4,579,000 for Improvement Area A-214, which would be approximately \$18,210 and \$22,900, respectively, per residential equivalent unit (REU). Mr. Houle said if homeowners replaced their own sanitary sewer service pipes, they would respectively receive a credit of either \$6,000 or \$6,400. He noted a revised Feasibility Study was included in the Council's packets, along with all correspondence received to date. Mr. Houle concluded, staff analyzed the project and felt that the project was feasible from an engineering standpoint. He introduced Paul Pasko of Short Elliot Hendrickson, Inc., the City's consultant engineer for the improvement projects.

Paul Pasko, Short Elliot Hendrickson, Inc., using video and a PowerPoint presentation, reviewed the proposed project. He stated that since 1989 there had been 271 trunk water main repairs and 25 trunk sanitary sewer blockages. Mr. Pasko said the private water mains and sanitary sewer service pipes were the same age as the City's utility pipes and likely in the same condition. He stated the streets in the Country Club district were in poor condition. The street lights in the neighborhood were approximately 40 years old and also in need of replacement. Mr. Pasko noted the Northeast Edina Transportation Study had outlined some traffic calming measures that included: speed humps, raised crosswalks, center island narrowing, narrowing of the intersections, realignment of the intersections, traffic circles, and raised intersections. He said the proposed measures had been incorporated into the project. Mr. Pasko said that due to the width of the streets, it was being recommended that Wooddale Avenue be designated as the "Share the Road" bike route through the area. He added that all of the items had been incorporated into a comprehensive reconstruction project that would be staged over a two-year period.

The Council's questions included: request for description of how the manholes and storm sewer would function, bike lane designation, how homeowner's would obtain the "credit" for replacing their own sewer service pipe, how would costs increase if utility work was not funded by the City, what caused the large cost increase from 2005, request for an explanation of "Share the Road" bike lane concept, request as to how the longer response times would be handled by the Edina Fire Department with the proposed traffic calming measures, and why were two project areas being used for assessments.

Staff and consultants answered the questions as follows: the manholes and storm sewer would act as grit chambers and attempt to capture some of the debris before the storm water went into the creek, the "Share the Road" concept was decided upon due to the width of the street, the parking on the streets and challenges with trying to move cyclists from one street to another. It was explained that one of the goals of the reconstruction project was to keep

the right-of-way from being dug up for several years; therefore, the requirement for the replacement of the sewer service pipes was included. If a property owner had pulled a permit within the last fifteen years and a final inspection was shown on City records, that property would receive a credit. The cost of the improvement would double if the City was not paying for the utility work being completed. The two residential equivalent units were developed based upon the lot sizes. Costs for the project have increased as a result of Hurricane Katrina which closed down several oil refineries raising the cost of shipping materials, as well as raising the cost of any petroleum based product. In addition, the cost of copper wiring has greatly increased in the past two years. Also the great need for infrastructure improvements in the hurricane ravaged area increases the costs of competing projects in other areas. It was also pointed out that when estimating proposed project costs, very conservative estimates were used, but it was hoped that favorable bids would be received. The Fire Chief explained that the goal for emergency vehicle response was eight minutes or less ninety percent of the time. The proposed traffic calming would increase response time by somewhere between three and twenty-seven seconds, however, Edina's current response time was averaging about four minutes.

Public Comment

Jack Boyer, 4605 Arden Avenue, stated he thought it was wrong to expect residents to bear burden of replacing infrastructure.

Jonathan Gross, 4208 Grimes, questioned the proposed traffic calming measures. He added the entire city should not pay for the traffic calming.

Lee McGrath, 4619 Moorland Avenue, questioned whether any cost saving measures had been researched.

Margaret Hoppmann, 4602 Moorland Avenue, said the improvement would benefit the entire City and because of the size of the expense to the homeowners it should be shared with all residents.

Matthew Pierre, 4618 Bruce Avenue, asked about the criteria for special assessments and how the 50/50 split had been derived. He also asked about plans for protection of the mature trees in the affected neighborhood.

Todd Roddis, 4928 Arden Avenue, asked about the 2005 projections of potential increased maintenance costs compare to the actual costs experienced.

Tom Dougherty, 4911 Sunnyside Road, stated that in his opinion, Sunnyside Road west of Browndale does not need reconstruction. He stated the cost of the assessment may not exceed the value added.

Bruce Christiansen, 4515 Browndale, objected to the proposed traffic calming measures.

David Pearson, 4513 Browndale Avenue, stated he was shocked at the increased cost of the project. He requested the City look at how the project costs will be funded.

Minutes/Edina City Council/December 4, 2007

Spud Carpenter, 4356 Oakdale Avenue, disagreed with the proposed traffic calming measures and expressed concern with their negative impact on response time of emergency vehicles.

Paul Laederach, 4633 Bruce Avenue, stated he was a senior citizen on fixed income and that over the life of the ten year term of the assessment he will be paying \$36,000 for the proposed \$18,000 improvement.

Charles Anderson, 4616 Browndale, questioned the sidewalk in the proposed improvement.

Nancy Jarrett, 4500 Browndale Avenue, asked that the street light replacement be explained and also why cost increases in Minnesota were tied to Hurricane Katrina.

Following the public comments, the Council had the staff and consultants answer all the questions raised by the speakers.

Motion by Member Masica, seconded by Member Swenson to close the public hearing.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Following the Council's discussion, **Member Swenson made a motion introducing and moving the approval of Resolution No. 2007-130 receiving the feasibility report for Improvement No. A-213 and Improvement No. A-214, ordering Improvement No. A-213 and Improvement No. A-214, County Club Area Sewer Water and Street Reconstruction, appointing the City Engineer, as the engineer for the project, and authorizing preparation of plans and specifications, and advertisement for bids.** Member Housh seconded the motion.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

***HEARING DATE SET OF DECEMBER 18, 2007, FOR PRELIMINARY DEVELOPMENT PLAN REVIEW, 77TH STREET & PARKLAWN AVENUE, WAYZATA PROPERTIES (GATEWAY AREA)** Motion made by Member Masica and seconded by Member Swenson setting December 18, 2007, as hearing date for Preliminary Development Plan Review, 77th Street & Parklawn Avenue, Wayzata Properties (Gateway Area)

Motion carried on rollcall vote – five ayes.

ORDINANCE NO. 2007-17 ADOPTED - AN ORDINANCE AMENDING SECTION 850.11 REGARDING BUILDING HEIGHT IN THE R-1 ZONING DISTRICT Planner Teague reviewed the changes made to Ordinance No. 2007-17 at the direction of the Council when the ordinance was granted first reading, November 20, 2007:

- The standards have been applied to duplexes as well as single-family houses;
- If a split level dwelling gets torn down and a new home built, the new first floor elevation must not be more than one foot above the front entry elevation of the home that was torn down.
- A definition of split level was added.

The Council discussed the ordinance and suggested some changes to the language in Section 2 that would amend Subsection 850.11 subd. 7, along with correction of a typo. There was a question regarding correspondence from a resident living in the flood plain that would be affected by the new regulation. Mr. Teague explained the resident could apply for a variance with their hardship being the location of their home in the floodplain. Following discussion, **Member Bennett made a motion granting second reading to Ordinance No. 2007-17 amending Section 850.11 regarding building height in the R-1 Zoning District.** Member Housh seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

ORDINANCE NO. 2007-18 ESTABLISHING A TEMPORARY MORATORIUM ON DEMOLITION Mayor Hovland explained that on the 20th of November the Council took over two hours of testimony regarding a moratorium on demolitions within Edina. He noted the public hearing had been closed November 20, 2007. Staff was directed to prepare an ordinance that would enact a temporary demolition moratorium for consideration by the Council. Since the November 20th meeting, Mayor Hovland noted the Council had received many communications both by phone and in writing from constituents stating their opinion for or against any type of moratorium. He stated the Council would be accepting testimony on the issue at the current meeting, but would limit total testimony to forty minutes and limit each speaker to two minutes. Further, he asked that persons who testified at the previous meeting not speak in order to allow more people to voice their opinions.

Mr. Hughes noted the Council, at their November 20, 2007, meeting directed staff to prepare a moratorium ordinance with respect to the demolition of single family dwellings. Mr. Hughes said the City Attorney prepared an ordinance modeled after the moratorium ordinance currently in effect for the Country Club district of Edina. He said the proposed moratorium would prohibit the demolition of single family dwellings anywhere in Edina during the moratorium which would last until April 15, 2008.

Mr. Hughes said the proposed moratorium ordinance defined demolition as a tear down or removal of a dwelling, or the physical alteration of the dwelling such that 50% or more of the surface area of the existing exterior walls in the aggregate were removed. The moratorium would not affect demolitions for which a permit or variance had been applied for prior to the date of enactment. It would not restrict issuance of new building permits for new homes on vacant lots.

Mr. Hughes stated the staff would not recommend imposing a moratorium on only certain parts of the City or only on certain lots, rather if enacted the moratorium should be applied to all single family dwelling unit lots within the community.

Mayor Hovland called for public comment.

Public Comment

John Bold, 4608 Merilane, opposed a moratorium

Minutes/Edina City Council/December 4, 2007

Jim Aufderheide, 5325 West 62nd Street opposed a moratorium.

Matt Freeman, Bond Companies, 4351 200 Street East Prior Lake, opposed a moratorium.

Art Heiam, 5205 Ridgewood Drive, opposed a moratorium.

Jill Larson, 5324 Oaklawn Avenue supported a moratorium.

Paul Ferry, 5006 Bruce Avenue, opposed a moratorium.

Sherrilynn Mahowald, 4330 West 42nd Street, supported a moratorium.

Beth Andrews 6045 High Point Road, Shoreview, realtor, on behalf of clients, 3508 West 55th Street opposed a moratorium.

Lee McGrath, 4619 Moorland Avenue, opposed a moratorium.

Barry Berg, 600 2nd Street, Minneapolis, realtor, opposed a moratorium.

Calvin Vaubel, 5318 Oaklawn Avenue, supported a moratorium.

Susan Gruidl, 4217 West 42nd Street, opposed a moratorium.

Ted Allen, 5216 Halifax Avenue, opposed a moratorium.

Tom Lund 5319 Oaklawn Avenue, supported a moratorium.

Steve Ayres, 19808 Dawson Lane, Farmington, opposed a moratorium.

Margaret Burt, 3300 West 55th Street, opposed a moratorium.

The Council each stated their opinions and positions on the proposed moratorium after listening to the public comments. They acknowledged the difficulty of the issues relative to massing and stated their intention to proceed with regulatory changes in the near future.

Mayor Hovland called the question asking if there was a motion to adopt the proposed moratorium ordinance. **Member Masica made a motion, seconded by Member Bennett to adopt the ordinance.** Mayor Hovland clarified he asked whether anyone would move adopting the moratorium ordinance. **Member Masica withdrew her motion and Member Bennett withdrew her second, whereupon, Mayor Hovland stated the matter failed for lack of a motion.**

CONCERN OF RESIDENTS Gene Persha, 6917 Cornelia Drive, stated he felt the Council needed to allow citizens a greater voice in government.

No formal Council action was taken.

NOTE: THE NARATIVE AND ACTION FOR THE CALVIN CHRISTIAN SCHOOL AMENDED LANDSCAPE PLAN WERE MISTAKENLY NOT INCLUDED IN THE DECEMBER 4, 2007, MINUTES WHEN SUBMITTED TO THE COUNCIL AND APPROVED, BUT THE MINUTES WERE CORRECTED BY AN ACTION OF THE CITY COUNCIL APPROVING THE ADDITION TO THE MINUTES MAY 20, 2008

RESOLUTION NO. 2007-135 ADOPTED AMENDING LANDSCAPE PLAN FOR CALVIN CHRISTIAN SCHOOL Mr. Teague stated the City Council at their last meeting had directed the Calvin Christian School to meet with the neighborhood to work out a landscape plan that was acceptable. Calvin Christian School removed trees from their property in preparation for the building addition. These trees were to have been relocated on their property, rather than be removed. This constituted a violation of the approved conditional use permit which had been originally approved by the City Council August 7, 2007, when variances and a conditional use permit had been granted allowing additions and renovations to two school buildings located at 4015 Inglewood Avenue.

Mr. Teague reported the neighborhood meeting was held on November 27, with residents of the area, parents of students at the school, members of the Church, Member Bennett and himself attending. He reviewed the resulting changes to the landscaping plan that represented a consensus of those attending the meeting:

- Installing two 8-foot tall three stemmed River Birch trees in the rain garden located north of the west building; and one 8-foot tall three stemmed River Birch in the rain garden east of the west building.
- Replacing the previously proposed four Linen Trees with four Maples, including one large tree spaded Maple north of the parent drop off area on Inglewood Avenue.
- Replacing all Sumac and Green Spruce with Japanese Yews and Shrub Roses within the bus circle area.
- Replacing the four Poplar Trees with four large tree-spaded Swamp Oaks in the bus circle.
- Replacing the five Linden Trees with five Maple Trees north of the bus circle.

Mr. Teague said the Council had two options: 1) If the revised landscape plan was believed to be an acceptable remedy to the violation, approve the revised plan, with the condition that the plans shall be subject to review by the City Forester; or 2) If the revised plan was not acceptable, refer a revised conditional use permit back to the Planning Commission for consideration.

Member Housh made a motion to adopt Resolution No. 2007-135 approving the amended landscape plan for Calvin Christian School. Member Masica seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2007-128 ACCEPTING VARIOUS DONATIONS Mayor Hovland explained in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations.

Member Masica introduced Resolution No. 2007-128 accepting various donations. Member Bennett seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

***CONFIRMATION OF CLAIMS PAID** Member Masica made a motion and Member Swenson seconded the motion approving payment of the following claims as shown in detail on the Check Register dated November 21, 2007, and consisting of 21 pages: General

Minutes/Edina City Council/December 4, 2007

Fund \$109,908.20; CDBG Fund \$81,827.00; Communications Fund \$8,553.51; Working Capital Fund \$663,179.54; Construction Fund \$172,472.58; Art Center Fund \$387.93; Golf Dome Fund \$1,733.38; Aquatic Center Fund \$37.28; Golf Course Fund \$1,796.33; Ice Arena Fund \$1695.03; Edinborough/Centennial Lakes Fund \$4,813.56; Liquor Fund \$197,933.08; Utility Fund \$38,024.33; Storm Sewer Fund \$58,830.92; PSTF Agency Fund \$1,562.65; **TOTAL \$1,342,755.32;** and for approval of payment of claims dated November 29, 2007, and consisting of 27 pages: General Fund \$370,481.85; Communications Fund \$2,437.22; Working Capital Fund \$859,036.36; Construction Fund \$6,484.22; Art Center Fund \$2,747.30; Golf Dome Fund \$125.06; Aquatic Center Fund \$137.03; Golf Course Fund \$8,854.36; Ice Arena Fund \$271.83; Edinborough/Centennial Lakes Fund \$25,171.88; Liquor Fund \$116,120.13; Utility Fund \$85,043.82; Storm Sewer Fund \$10,056.38; **TOTAL 1,486,967.44.**

Motion carried on rollcall vote – five ayes.

PUBLIC HEARING HELD ON LIQUOR FEES, ORDINANCE NO. 2007-19 GRANTED FIRST READING AMENDING CODE SECTION 185 – INCREASING CERTAIN FEES

Mr. Hughes reviewed the proposed ordinance amendment increasing certain fees. He noted the consideration of the proposed amendment included a public hearing on the 2008 proposed liquor fees which was required under statute. Mr. Hughes said the required 30 day notice had been sent to all liquor licensees. He gave a general overview of the proposed amendment to Code Section 185, focusing on the increases in some liquor license fees.

No one appeared for public comment.

Member Swenson made a motion, seconded by Member Bennett to close the public hearing.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Member Swenson made a motion to grant first reading to Ordinance No. 2007-19, Amending Code Section 185, increasing certain fees. Member Bennett seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2007-125 APPROVED – YEAR 2008 PARK AND RECREATION FEES AND CHARGES

Mr. Hughes indicated fee increases for 2008 for the Park and Recreation Department were minimal with most fees not changing from 2007. He reminded the Council, following a question by Member Swenson, that the Edina Foundation has set up a ‘grant in aid’ or scholarship fund for financially challenged families. The Park Department has an application for this anonymous help as well as for help with transportation. The Council questioned why the fee for residents and non residents was proposed at the same rate for the Edinborough Play Park for 2008. Mr. Hughes suggested Council approve all fees except the one in question.

Member Swenson made a motion approving Resolution No. 2007-125, Year 2008 Park and Recreation Fees and Charges excluding the Edinborough Play Park Fees. Member Bennett seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2007-126 APPROVED - YEAR 2008 AMBULANCE FEES Member Housh introduced Resolution No. 2007-126, Year 2008 Ambulance Fees and moved adoption. Member Bennett seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2007-127 APPROVED - YEAR 2008 MISCELLANEOUS FEES Mr. Hughes indicated that fees deemed as miscellaneous were mainly from the Fire Department and one from the Planning Department.

Member Swenson introduced Resolution No. 2007-127 Year 2008 Miscellaneous Fees, and moved adoption. Member Housh seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2007-129 ADOPTED AUTHORIZING SALE OF REVENUE BONDS – VOLUNTEERS OF AMERICA - Mayor Hovland noted the Council needed to affirm the action taken earlier by the Edina HRA regarding the issuance of revenue bonds on behalf of the Volunteers of America (VOA). If approved the proceeds of the bond issue will be used by the VOA to acquire a new corporate headquarters building at 7625 Metro Boulevard in Edina. He noted that according to the City's tax exempt revenue bond financing guidelines the City will be paid an issuance fee of 1/2% of the principal amount of the bond issue. He said other out of pocket costs of the City will be reimbursed if the HRA authorizes the bond sale.

Member Housh made a motion introducing Resolution No. 2007-129 and moved its adoption authorizing the sale of a revenue note pursuant to Minnesota Statutes, Section 469.152 to 469.1651, as amended at the request of Volunteers of America in the principal amount of \$2,500,000, and approving forms of documents in connection therewith. Member Bennett seconded the motion

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:55 P.M.

Respectfully submitted,

City Clerk